



BWSC 50 Application for Special Project Designation Instructions and Supporting Materials

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Introduction

DEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the DEP Web site at mass.gov/dep in two file formats: Microsoft Word and Adobe Acrobat PDF. Either format allows documents to be printed.

Instructions & Support Materials files in Microsoft Word format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

Permit Applications in Microsoft Word format must be downloaded separately. Users with Microsoft Word 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



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1. What is a Special Project designation?

A Special Project designation provides flexibility for public projects that include response actions by extending the deadline for Tier Classification found in the Massachusetts Contingency Plan (MCP) from one year up to five years. Examples of public projects that could be eligible for Special Project designation include infrastructure improvement projects (e.g., construction or expansion of MBTA rail lines or roadways where contamination may be encountered), redevelopment of property suspected to be contaminated where time is needed to market the property to potential developers, and projects undertaken by a public entity aimed at cleaning up multiple disposal sites. These projects are often done in stages or have long lead times which make it difficult to meet the generic timelines in the MCP for conducting response actions.

A Special Project designation is a DEP permit which establishes a schedule for conducting response actions tailored to the specific project. This will allow project proponents (which must be a governmental entity) to better coordinate response actions with their projects, making them more cost-effective. Application for Special Project designation is voluntary, and project proponents can always choose to follow the generic MCP timelines.

2. Who may apply for a Special Project designation?

Any agency or political subdivision of the federal government or the Commonwealth, including municipalities, authorities, districts and commissions may apply to DEP for designation of a project as a Special Project.

3. What projects are eligible for Special Project designation?

To be eligible for Special Project designation, a project must be overseen and coordinated by the governmental entity submitting the application and must meet the following criteria:

- one or more disposal sites are, or are likely to be, located within the boundaries of the project;
- proposed response actions will be managed in a coordinated fashion;
- the applicant has demonstrated its support of the project by committing and/or securing public financing for the project (e.g., by providing direct financing, tax increment financing or special tax assessments pursuant to M.G.L. c. 23A, §§ 3A - 3F, etc.); and
- compliance with the response action deadlines described in 310 CMR 40.0500 would unreasonably decrease the cost-effectiveness of project implementation.

Disposal sites classified as Tier I or II are not eligible for Special Project designation; however, sites classified as **default** Tier 1B sites due to a failure of a potentially responsible party to meet their deadline for Tier Classification are eligible for Special Project designation.

4. What information must be submitted with all Special Project designation applications?

As described in 310 CMR 40.0062(1), all Special Project designation applications must include:

- a completed Transmittal Form for Permit Application and Payment using the form established by the Department for such purposes;
- the applicable completed Permit Application using the form established by the Department for such purposes;
- the applicable permit application fee payable pursuant to 310 CMR 4.00;
- a photocopy of the fee payment;



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- e. the following information:
 - a description of the project and its expected duration;
 - an explanation of why Special Project designation is necessary to successfully implement the project;
 - the requested duration of the Special Project designation;
 - a description of how the project meets the criteria in 310 CMR 40.0061(3);
- f. a map of the land area for which the Special Project designation is sought which identifies all properties that would be included and delineates parcel boundaries,
- g. the Release Tracking Numbers for any known releases of oil and/or hazardous material at or from the subject properties that have been reported to the Department, and a brief description of these releases and the status of response actions;
- h. to the extent known, a description of response actions planned in the Special Project, including a proposed schedule;
- i. the name, business address, and telephone number of the person who will be conducting response actions under the Special Project designation, i.e., the person hired to oversee response actions. This person does not include a contractor directly hired by the applicant to do the work.
- j. a certification by the applicant and the person who will be conducting response actions under the Special Project designation (if different from the applicant, i.e., the person hired to oversee response actions) that, except as fully disclosed in the application, he or she is not subject to any outstanding administrative or judicial environmental enforcement action under any federal, state or local law;
- k. a demonstration that the applicant has notified the persons who own or control the properties included in the Special Project designation and a description of how access to the properties will be obtained in order to perform response actions; and
- l. the certification of the submittal required by 310 CMR 40.0009 by the applicant and the person who will be conducting response actions under the Special Project designation (if different from the applicant).

5. How can I apply for Special Project designation?

The original Special Project designation application, along with one copy of the application and supporting documentation, a photocopy of the Transmittal Form for Permit Application and Payment, and a photocopy of the fee payment should be sent to the "Waste Site Cleanup Permit Program" in the appropriate DEP Regional Office. (See "Permitting Contacts" on page 2 of the Transmittal Form Instructions for the addresses of DEP Regional Offices.) Send the application fee to DEP in the manner described in Question 7.

6. What happens if I submit an incomplete application?

DEP will notify you that the application is incomplete and give you an opportunity to complete it. If you do not provide the required information, DEP will consider the Special Project designation application to be withdrawn, and 50% of your application fee will be refunded.

7. What is the application fee and how do I pay?

The application fee for Special Project designation is \$750.

Payment should be made in the form of a check or money order payable to the ***Commonwealth of Massachusetts***. **Do not send cash.** The original of the Transmittal Form for Permit Application and Payment must accompany the check or money order and be forwarded to the following address:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

Do not send any application materials to this address.



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8. What other fees will be required during a Special Project designation?

Compliance fees apply to certain submittals that may be part of a Special Project. These include fees for Release Abatement Measure (RAM) Plans and Response Action Outcome (RAO) Statements. These fees cover DEP's audit, compliance and enforcement costs for these response actions. DEP anticipates that for certain Special Projects these submittals may be prepared in batches (for instance, at one Special Project 140 RAOs were filed for properties that were cleaned up). Due to economies of scale in auditing batched submittals, the RAM and RAO compliance fees applicable to Special Projects are on a sliding scale based on the number submitted in each batch.

For each batch submittal of **Response Action Outcome Statements** the fee is the total based upon the number of individual RAO submittals in each batch:

Quantity	Cost	Maximum Cost
1 - 5	\$750 each	Capped at \$2,250 for total batch
6 - 15	\$450 each	Capped at \$4,950 for total batch
16 - 49	\$350 each	Capped at \$11,200 for total batch
50 or more	\$250 each	Capped at \$15,000 for total batch

For each batch submittal of **Release Abatement Measure Plans** the fee is the total based upon the number of individual RAM submittals in each batch:

Quantity	Cost	Maximum Cost
1 - 5	\$500 each	Capped at \$1,500 for total batch
6 - 15	\$300 each	Capped at \$3,300 for total batch
16 - 49	\$250 each	Capped at \$8,000 for total batch
50 or more	\$200 each	Capped at \$12,000 for total batch

8. What are the timelines for the Special Project Designation application review?

The timelines for DEP to review the application for Special Project Designation are listed below:

Administrative Completeness	30 days
Technical Review	75 days
Public Comment	20 days

These timelines are the same as for all DEP permit reviews.

9. Is the Special Project designation application subject to public review?

Upon issuance of a proposed decision to grant or deny a Special Project designation, the Department will conduct a public comment period.

Upon such issuance, the applicant must publish a legal notice of the proposed decision and its availability for public review and comment in a newspaper which circulates in the community in which the project is located. The legal notice should be in the form established by the Department and include information about how and where the public can review the application for Special Project designation and the deadline for submission of comments to the Department.

The public comment period will run for at least 20 calendar days. Upon request, or upon its own initiative, the Department may extend the public comment period.



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10. When does a Special Project designation become effective and for how long is the designation in effect?

A Special Project Designation is effective upon issuance by the Department, unless a request for an adjudicatory hearing is made. Applicants have 21 days from the date DEP issues the Special Project designation to file an appeal.

The Special Project Designation is effective for five years from the date of issuance by DEP. The designation may be extended for one or more periods not to exceed five years each upon Departmental approval.

11. Under what conditions may I seek to modify a Special Project designation?

The applicant may seek to modify a Special Project designation to:

- add or remove property subject to the Special Project designation;
- change the schedule of proposed response actions, excluding extending the duration of the Special Project designation; or
- change any other aspect of the Special Project designation.

The Special Project designation modification must be submitted on a transmittal form established by the Department. Within 60 days of receipt of a request to modify a Special Project designation, the Department will respond in writing with a proposed decision to either approve or deny the modification.

Upon issuance of a proposed decision, the public review requirements outlined in Question 9 above will apply.

12. Can a Special Project designation be extended?

A Special Project designation may be extended for one or more periods not to exceed five years each. The request to extend a Special Project modification must be submitted on a transmittal form established by the Department.

Within 60 days of receipt of a request to modify a Special Project extension, the Department will respond in writing with a proposed decision to either approve or deny the extension.

Upon issuance of a proposed decision to either approve or deny the extension, the public review requirements outlined in Question 9 above will apply.

13. Can a Special Project designation be terminated?

A Special Project designation can be surrendered voluntarily by the permittee provided that the permittee notifies the Department in writing of such surrender using the transmittal form established by the Department for such purpose.

14. Can a Special Project designation be suspended or revoked?

The Department may suspend or revoke a Special Project designation for cause including, but not limited to, the following:

- any violation of M.G.L. c. 21E, 310 CMR 40.000 the Massachusetts Contingency Plan, or Special Project designation condition, or other applicable law or regulation;



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- the submittal of false or misleading information by the permittee; or
- for nonpayment of compliance assurance fees required for submittal of Release Abatement Measure (RAM) Plans and Response Action Outcome (RAO) Statements.

Upon suspension or revocation of a Special Project designation, the Department will establish new deadlines for Tier classification for any releases which require further response actions.

15. Where can I get more information?

If you have additional questions, please call the Waste Site Cleanup Program Permitting Section in the appropriate DEP regional office listed on page 2 "Permitting Contacts" of the Transmittal Form Instructions. For general information about the Waste Site Cleanup Program, call the "MCP Help Line." From area code 617 and outside Massachusetts, call (617) 338-2255. From other area codes in Massachusetts, call (800) 462-0444.



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

BWSC 50 Application for Special Project Designation Application Completeness Checklist

- ☐ The DEP Transmittal Form is completed.

Certifications/Signatures

- ☐ Certification of submittal has been signed by Applicant and Person Who Will be Conducting Response Actions (if different from Applicant).
- ☐ Certification of compliance has been signed by Applicant and Person Who Will be Conducting Response Actions (if different from Applicant).

Attachments

- ☐ Additional pages if needed listing each release tracking number and briefly describing each release and the status of response actions.
- ☐ A description of response actions planned in the Special Project, including a proposed schedule.
- ☐ Map of the land area that is covered by the Special Project designation application identifying all properties that would be included and delineating parcel boundaries.
- ☐ Additional pages if needed describing current property owners and operators.
- ☐ Copies of correspondence/access arrangements with persons who own or control the properties included in the Special Project designation.
- ☐ Additional pages if needed describing Persons Who Will Be Conducting Response Actions.

To Submit the Application Package

- ☐ Checklist items have been completed.
- ☐ Send two copies of the application along with one copy of the DEP Transmittal Form and a photocopy of the application fee payment to:

Department of Environmental Protection

_____ * Regional Office

Waste Site Cleanup Permit Program

*See "Addresses and Phone Numbers" page included in this package.

- ☐ Send fee of \$750 in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with one copy of the DEP Transmittal Form to:

Department of Environmental Protection

P.O. Box 4062

Boston, MA 02211



Massachusetts Department of Environmental Protection

Addresses and Phone Numbers

DEP Boston
One Winter Street
Boston, MA 02108
Telephone: (617) 292-5500
Fax: (617) 556-1049
TDD: (617) 574-6868

William X. Wall Experiment Station
37 Shattuck Street
Lawrence, MA 01843
Fax: (978) 688-0352
Division of Environmental Analysis
Telephone: (978) 682-5237
Air Quality Surveillance
Telephone: (978) 975-1138

Office of Watershed
Management
627 Main Street
Worcester, MA 01608
Telephone: (508) 792-7470
Fax: (508) 839-3469

Millbury Training Center
Route 20 Millbury, MA 01527
Telephone: (508) 368-5600
Fax: (508) 755-9253
Residuals Sludge Management
Telephone: (508) 368-5606
WWT Operator Certification
Telephone: (508) 368-5698

DEP Western Region
436 Dwight Street
Suite 402
Springfield, MA 01103
Phone: (413) 784-1100
Fax: (413) 784-1149



Adams
Agawam
Alford
Amherst
Ashfield
Becket
Belchertown
Bernardston
Blandford
Brimfield
Buckland
Charlemont
Cheshire
Chester
Chesterfield
Chicopee
Clarksburg

Colrain
Conway
Cummington
Dalton
Deerfield
Easthampton
East Longmeadow
Egremont
Erving
Florida
Gill
Goshen
Granby
Granville
Great Barrington
Greenfield
Hadley

Hampden
Hancock
Hatfield
Hawley
Heath
Hinsdale
Holland
Holyoke
Huntington
Lanesborough
Lee
Lenox
Leverett
Leyden
Longmeadow
Ludlow
Middlefield

Monroe
Montague
Monterey
Montgomery
Monson
Mount Washington
New Ashford
New Marlborough
New Salem
North Adams
Northampton
Northfield
Orange
Otis
Palmer
Pelham
Peru

Pittsfield
Plainfield
Richmond
Rowe
Russell
Sandisfield
Savoy
Sheffield
Shelburne
Shutesbury
Southampton
South Hadley
Southwick
Springfield
Stockbridge
Sunderland
Tolland

Tyringham
Wales
Ware
Warwick
Washington
Wendell
Westfield
Westhampton
West Springfield
West Stockbridge
Whately
Wilbraham
Williamsburg
Williamstown
Windsor
Worthington

DEP Central Region
627 Main Street
Worcester, MA 01608
Phone: (508) 792-7650
Fax: (508) 792-7621
TDD: (508) 767-2788



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Ashby
Athol
Auburn
Ayer
Barre
Bellingham
Berlin
Blackstone
Bolton
Boxborough
Boylston
Brookfield

Charlton
Clinton
Douglas
Dudley
Dunstable
East Brookfield
Fitchburg
Gardner
Grafton
Groton
Harvard
Hardwick
Holden
Hopedale

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Hubbardston
Hudson
Holliston
Lancaster
Leicester
Leominster
Littleton
Lunenburg
Marlborough
Maynard
Medway
Mendon
Milford

Millbury
Millville
New Braintree
Northborough
Northbridge
North Brookfield
Oakham
Oxford
Paxton
Pepperell
Petersham
Phillipston
Princeton
Royalston

Rutland
Shirley
Shrewsbury
Southborough
Southbridge
Spencer
Sterling
Stow
Sturbridge
Sutton
Templeton
Townsend
Tyngsborough
Upton

Uxbridge
Warren
Webster
Westborough
West Boylston
West Brookfield
Westford
Westminster
Winchendon
Worcester

DEP Southeast Region
20 Riverside Drive
Lakeville, MA 02347
Phone: (508) 946-2700
Fax: (508) 947-6557
TDD: (508) 946-2795



Abington
Acushnet
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Avon
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Berkley
Bourne
Brewster
Bridgewater
Brockton
Carver
Chatham
Chilmark

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Dennis
Dighton
Duxbury
Eastham
East Bridgewater
Easton
Edgartown
Fairhaven
Fall River
Falmouth
Foxborough
Franklin

Freetown
Gay Head
Gosnold
Halifax
Hanover
Hanson
Harwich
Kingston
Lakeville
Mansfield
Marion
Marshfield
Mashpee

Mattapoissett
Middleborough
Nantucket
New Bedford
North Attleborough
Norton
Norwell
Oak Bluffs
Orleans
Pembroke
Plainville
Plymouth
Plympton

Provincetown
Raynham
Rehoboth
Rochester
Rockland
Sandwich
Scituate
Seekonk
Sharon
Somerset
Stoughton
Swansea
Taunton

Tisbury
Truro
Wareham
Wellfleet
West Bridgewater
Westport
West Tisbury
Whitman
Wrentham
Yarmouth

DEP Northeast Region
205 Lowell Street
Wilmington, MA 01887
Phone: (978) 661-7600
Fax: (978) 661-7615
TDD: (978) 661-7679



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Andover
Arlington
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Bedford
Belmont
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Boston
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Braintree
Brookline
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Canton
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Chelsea
Cohasset
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Dedham
Dover
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Essex
Everett
Framingham
Georgetown
Gloucester
Groveland
Hamilton
Haverhill

Hingham
Holbrook
Hull
Ipswich
Lawrence
Lexington
Lincoln
Lowell
Lynn
Lynnfield
Malden
Manchester-By-The-Sea
Marblehead
Medfield
Medford
Melrose

Merrimac
Methuen
Middleton
Millis
Milton
Nahant
Natick
Needham
Newbury
Newburyport
Newton
Norfolk
North Andover
North Reading
Norwood
Peabody

Quincy
Randolph
Reading
Revere
Rockport
Rowley
Salem
Salisbury
Saugus
Sherborn
Somerville
Stoneham
Sudbury
Swampscott
Tewksbury
Topsfield

Wakefield
Walpole
Waltham
Watertown
Wayland
Wellesley
Wenham
West Newbury
Weston
Westwood
Weymouth
Wilmington
Winchester
Winthrop
Woburn



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BWSC 50 Special Project Designation
Application for Special Project Designation

Transmittal Number _____

Facility ID# (if known) _____

A. Special Project Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Special Project:

Special Project Name _____

Designated Primary Street Address _____

Designated City or Town _____

State _____

Zip Code _____

2. Applicant:

Name of Governmental Entity _____

B. Description and Eligibility

1. Describe the project, its expected duration, and the requested duration of the Special Project Designation [310 CMR 40.0062(1)(e)]:

2. Describe why Special Project Designation is necessary to successfully implement the project [310 CMR 40.0062(1)(e)]:

3. Describe how the project meets each of the eligibility criteria described below [310 CMR 40.0061(3)]:

a. Proposed response actions will be managed in a coordinated fashion.

How?

b. Public financing for the project has been committed and/or secured.

What is the amount and type of public financing?



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B. Description and Eligibility (cont.)

- c. Compliance with response action deadlines would unreasonably decrease the cost-effectiveness of project implementation.

How?

- d. One or more identified or suspected disposal sites are located within the boundaries of the project.

See Questions 4 and 5.

4. List each release tracking number identified to date in the Special Project's boundaries, and briefly describe each release and the status of response actions (attach additional pages if needed) [310 CMR 40.0061(3)(a)] and [310 CMR 40.0062(1)(g)]:

5. If no releases have been identified at properties subject to this permit application, describe why you believe one or more disposal sites are located within the boundaries of the project [310 CMR 40.0061(3)(a)]:

6. Attach a description of response actions planned in the Special Project (to the extent known), including a proposed schedule [310 CMR 40.0062(1)(h)].



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C. Applicant Information and Certifications

1. Applicant Information:

Name of Government Entity

Name of Office/Department

Street

City/Town

MA

State

Zip Code

Telephone

E-mail (optional)

Contact Name

Contact Telephone

2. Type of applicant (check one):

- ☐ Municipality
☐ State Authority
☐ State Agency
☐ Federal Agency
☐ Other, please specify: _____

Certification of Submittal [310 CMR 40.0062(1)(l)]

"I _____ attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this submittal, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person or entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information."

By: _____

Signature

Date

Print Name

Print Title

For: _____

Name of entity



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Facility ID# (if known) _____

C. Applicant Information and Certifications (cont.)

Certification of Compliance [310 CMR 40.0062(1)(j)]

"I _____ attest that,
except as fully disclosed in Attachment A in
this permit application, I am not subject to
any outstanding administrative or judicial
environmental enforcement action under any
federal, state or local law."

By: _____
Signature

For: _____
Name of entity

D. Parcel Information

1. Attach a map of the land area covered by the Special Project designation application identifying all properties that would be included and delineating parcel boundaries. For example applicants may use a tax assessors map to identify properties or surveys or maps from project planning documents.
2. Property Information (Please provide the following information for each property for which Special Project designation is sought. Make additional copies of this form if necessary):

Current Owner:

Name

Title

Company or Organization

Street

City/Town

State

Zip Code

Telephone

E-mail (optional)

Contact Name (if different)

Contact Telephone

Current Operator (if different from owner):

Name

Title

Company or Organization

Street

City/Town

State

Zip Code

Telephone

E-mail (optional)

Contact Name (if different)

Contact Telephone



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D. Parcel Information (cont.)

3. Attach documentation showing that the Applicant has notified the person who owns or controls the property(ies) included in the Special Project Designation and a description of how access to the property(ies) will be obtained for the purpose of performing response actions (e.g., copies of correspondence/agreements with property owners/operators) [310 CMR 40.0062(1)(k)].
4. List all RTN numbers, if known, associated with the property identified above:

E. Person Who Will Be Conducting Response Actions Under Special Project Designation (if different from Applicant) Information and Certifications [310 CMR 40.0062(1)(i)]

(Make additional copies of this section if necessary.)

Name _____		Title _____	
Company or Organization _____			
Street _____			
City/Town _____		State _____	Zip Code _____
Telephone _____		E-mail (optional) _____	
Contact Name (if different) _____		Contact Telephone _____	

Certification of Submittal [310 CMR 40.0062(1)(l)]

"I _____ attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this submittal, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person or entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information."

By: _____
Signature _____
Date _____
Print Name _____
Print Title _____
For: _____
Name of person or entity _____



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E. Person Who Will Be Conducting Response Actions Under Special Project Designation (if different from Applicant) Information and Certifications [310 CMR 40.0062(1)(i)] (cont.)

Certification of Compliance [310 CMR 40.0062(1)(j)]

"I _____ attest
that, except as fully disclosed in
Attachment A in this permit application, I
am not subject to any outstanding
administrative or judicial environmental
enforcement action under any federal,
state or local law."

By: _____
Signature

Date

Print Name

Print Title
For: _____
Name of person or entity